

PATENT APPLICATION
Do. No. 1941-070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Paul J. BRUINSMA
Suresh BASKARAN
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Jun LIU

Serial No.: 09/481,988 Examiner: P. Marcantoni

Filed: January 11, 2002 Group Art Unit: 1755

For: MESOPOROUS-SILICA FILMS, FIBERS, AND POWDERS BY
EVAPORATION

Date: June 4, 2007

**SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
TO CORRECT 'ERRORS' STATEMENT UNDER 37 CFR 1.175**

We hereby declare that:

The original patent does not include a full range or scope of independent claims to which the patentee is entitled, a valid ground for granting a reissue under 35 USC 251. The original patent included a limitation “providing said surfactant and said silica precursor are in a mole ratio that is above a lower mole ratio that produces a non-porous silica phase and below an upper mole ratio that produces a lamellar phase” that appears in all of the claims of the patent as issued. Applicants failed to appreciate when the application was filed and throughout the prosecution of the application that this quoted language significantly limited the scope of applicants’ patent protection and that the limitation was not required to render the claim patentable. Only after applicants read US Patent No. 5,858,457 to Brinker, et al., did they appreciate that their own prior invention could be claimed in a different way to obtain a broader scope of protection.

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oaths and/or declarations submitted in this application, arose without any deceptive intention on the part of the applicants.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and

that such willful false statements may jeopardize the validity of the application or patent issued thereon.

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